

Magnuson-Stevens Fishery Conservation and Management Act Reauthorization Issues

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I would like to thank the members of the Subcommittee for inviting me here to offer our Council's perspectives on the implementation of the 1996 amendments to the Magnuson-Stevens Act. First, let me say that while I believe there are some issues of concern, I also believe that, overall, the Act is a sound piece of legislation. The New England Council's revised fishery management plans have produced some substantial improvements in the status of many of the commercially valuable species we manage. Haddock, gray sole (witch flounder), Georges Bank yellowtail flounder and sea scallops in particular, are among our success stories and I would like to take a moment to discuss them.

Haddock - The adult stock biomass has increased fourfold since 1993 and is at its highest levels since the early 1980s. Stock biomass is expected to continue to increase because of low fishing mortality and favorable recruitment in 1998.

Gray sole - This traditionally valued flounder species in the Gulf of Maine has rebounded to near maximum sustainable yield conditions. Favorable recruitment (new fish entering the population each year), lower fishing mortality and reduced bycatch in small mesh fisheries have contributed to its resurgence.

Georges Bank yellowtail flounder - The total stock biomass has increased in both 1998 and 1999 to its highest level since 1973 and could be rebuilt in about three more years. The 1997 year class is the largest observed since 1973, and since 1996, fishing mortality is lowest observed in over 20 years.

Sea scallops - The biomass on Georges Bank is the highest observed since 1982, primarily in the groundfish closed areas and due to favorable recruitment. Biomass in the Mid-Atlantic increased in 1998, but still remains below the management target, although overall fishing mortality has declined significantly from effort reductions and closed areas. Furthermore, the Council's 1999 groundfish closed area access program provided a much-needed economic boost to the scallop industry while at the same time conserving yellowtail flounder and protecting areas with sensitive habitat.

These are some of the positive results that have been achieved through fishing regulations and the sacrifices of New England fishermen. On the other hand, we continue to face several serious challenges. The new requirements of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act (SFA), have placed an enormous burden on Council members and its staff, as well as on the National Marine Fisheries Service, without providing a commensurate increase in resources to carry out the new mandates.

While the previous Magnuson Act, along with National Standard guidelines already required the Councils and the Secretary of Commerce to take steps to end overfishing and rebuild depleted stocks, fishery management plans (FMPs) must now specify for each stock:
objective and measurable criteria for identifying whether a fishery is overfished;

if a fishery is overfished or approaching an overfished condition, the plan must contain measures to prevent overfishing or to end overfishing and rebuild the fishery;
the plan or amendment must be developed within one year of notification by NMFS that a stock is overfished or approaching an overfished condition and must specify rebuilding periods that "are as short as possible", but are not to exceed 10 years;
if rebuilding plans call for reduced harvests, the restrictions and recovery benefits must be fairly allocated among the harvesters.

Plans must, to the extent practicable, also address bycatch issues, including minimizing bycatch and the mortality of bycatch that cannot be avoided. Further, FMPs must now describe and identify essential fish habitat (EFH), minimize "to the extent practicable" adverse effects on such habitat, and identify other actions to encourage the conservation of such habitat. Fishery impact statements also must assess the likely effects of management measures on fishing communities and, to the extent practicable, minimize economic impacts (National Standard 8).

I want to emphasize that work does not simply cease with the inclusion of this information in fishery management plans. In order to stay on schedule with many of the new stock rebuilding plans, FMPs require annual reviews and adjustments to assess progress, as well as Stock Assessment and Fishery Evaluation (SAFE) reports, largely a Council staff work product. More comprehensive social and economic analyses are necessary to meet Regulatory Flexibility Act (RFA) requirements to adequately respond to National Standard 8. Many Council meetings are now several days longer to provide for the level of public input generated by the imposition of new and often very complex management measures. The development of new measures also has required more frequent meetings of our oversight committees, resulting in a corresponding increase in related costs. As you know, our Council also will have an additional seat beginning in August, adding to our overhead.

I take the time to list all these issues, not because the SFA mandates are not appropriate, but to emphasize that the steps undertaken to meet the new requirements have increased the Council's workload by well more than 100 percent. In response to SFA, our Council has developed four new FMPs (for herring, monkfish, whiting and dogfish) six plan amendments (for groundfish, scallops and for essential fish habitat (EFH) designations, seventeen framework adjustments and three SAFE reports --- an enormous body of work by almost any standard. All of these actions have been completed since 1997.

In contrast, increases in Council funding since 1997 have totaled approximately 28 percent. While I assure you that our work is being accomplished, it is occurring at a pace that cannot be sustained. Without question, more resources are needed to enable the Council to continue to meet its responsibilities, including maintaining public outreach efforts and meeting with affected stakeholders.

In order to address this very serious situation, the Council recently developed a list of priorities for the purpose of focusing on what it could realistically accomplish in 2000. The document was as significant in what it listed as initiatives as for the issues that were postponed for consideration until 2001. Council actions in 2000 will include:

Groundfish Amendment 13 - to develop SFA rebuilding plans;
 Skate management measures - the Council was recently given management authority for seven skate species, four of which are overfished and will require the development of rebuilding plans within one year;
 Sea Scallop Amendment 10 - to develop a rotational area management system;
 A framework adjustment for whiting - to develop measures for a raised footrope trawl fishery;
 A framework adjustment for monkfish - to review the effectiveness of management measures implemented in 2000 and make any necessary changes;
 Annual specifications for Atlantic herring fishery - these include only optimum yield, domestic annual harvest, domestic annual processing, the total amount allocated to processing by foreign ships, the amount of herring that can be taken in U.S. waters and transferred to Canadian herring carriers for transshipment to Canada and an allocation for internal waters processing;
 A Habitat Annual Report - including the possible development of a dedicated habitat research area, EFH designations for the seven skate species and a formal process for designating habitat areas of particular concern (HAPCs);
 Research Steering Committee activities - to provide input to NMFS concerning the expenditure of Congressional appropriations earmarked to fund cooperative research efforts developed by fishermen and scientists;
 U.S. Canada activities - to support efforts to coordinate the management of transboundary stocks, especially the rapidly rebuilding Georges Bank stocks of haddock and yellowtail flounder; it is of critical importance to maintain a New England perspective in this arena through Council and grassroots involvement.

Because of the need to make choices given the overall workload and the shortage of resources with which to accomplish these tasks, the Council will not address a number of key issues this year. Actions to be deferred until next year are:

the development of a whiting annual adjustment with a limited entry program and establishment of Total Allowable Catch levels;
consideration of an industry-supported controlled access program for the herring fishery;
an FMP for red crab; and
measures to address capacity in New England fisheries.

In the case of the Spiny Dogfish Plan, the Mid-Atlantic Council is the lead and therefore will assume most of those plan development responsibilities. These decisions were difficult ones, especially in view of the level of industry interest in most of the programs listed.

Personally, I am very concerned about the potential consequences of inaction this year. Whiting is an overfished resource. Alternatively, herring is an healthy resource that could only benefit from pro-active management. We witnessed the collapse of the red crab fishery in the mid-1980's because of increased effort by new boats which could not be supported by the available resource. Estimates of landings this year suggest that the red crab fishery may be operating at close to maximum sustainable yield levels at this time, and the Council is concerned about the long-term stability of this fishery absent a management plan. The expansion and contraction of fishing capacity remains one of the most important issues yet to be addressed

in our region and one that merits attention if we are to achieve sustainability in our fisheries.

Ideally, I would like to report to you that we will undertake all of the actions and initiatives listed above. With our current funding shortfall for fiscal year 2000 and a greater shortfall projected for next year, which includes the addition of new staff, however, I am at a loss to determine how we may accommodate any workload increase. We will be unable to add additional staff and schedule the necessary meetings to consider action on the issues that are currently deferred.

Finally, I would like to add a personal note here. When I was elected Council Chairman last August, I made a commitment to ensure an awareness of and support for the benefits of sound, long-term resource management. I believe I have held to that commitment. However, I also pledged to increase the Council's outreach and education efforts and to pay special attention to fishermen who have traditionally been out of the mainstream, those who rarely attend our meetings, but who are nonetheless affected by our actions. It is perhaps one of my greatest personal disappointments that informal meetings with fishermen's associations and information exchanges in other venues outside of the formal atmosphere of Council meetings, will likely not occur because our staff simply cannot undertake these activities. To do so would compromise the timely completion of our management responsibilities.

I believe I have made my point to the Subcommittee. The New England Council is striving to comply with the SFA requirements. We have committed Council members and an experienced and hard-working staff. We have made significant progress in rebuilding fish stocks to sustainable levels, but we are in real need of increased resources to do the job right. I sincerely hope you will give this issue serious consideration.

Madam Chairman, I would like to thank you for this opportunity to comment on the implementation of the Magnuson-Stevens and Sustainable Fisheries Acts. I'm happy to answer questions or provide further information about the issues I have brought forward here today.